

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT WILLIAMS,

Plaintiff,

v.

TOLOTTI et al.,

Defendants.

3:15-cv-00630-RCJ-VPC

ORDER

I. DISCUSSION

On July 14, 2016, the Court issued an order screening Plaintiff's civil rights complaint filed pursuant to 42 U.S.C. § 1983. (ECF No. 6). The Court granted Plaintiff's application to proceed *in forma pauperis* (ECF No. 5) and dismissed Plaintiff's complaint (ECF No. 1-1) without prejudice. (*Id.* at 4:4-6). Plaintiff was granted leave to amend and told he must "identify the right he seeks to vindicate through the present action." (*Id.* at 5 3:23-4:1). The Court now clarifies the timetable for Plaintiff to file his amended complaint, as well as provides Plaintiff with the standard for his amended complaint.

Plaintiff is granted leave to file an amended complaint to cure the deficiencies of the complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to

1 preserve them for appeal). Plaintiff's amended complaint must contain all claims, defendants,
2 and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must
3 file the amended complaint on this Court's approved prisoner civil rights form and it must be
4 entitled "First Amended Complaint."

5 The Court notes that if Plaintiff chooses to file an amended complaint curing the
6 deficiencies of the complaint, as outlined in the screening order (ECF No. 6), Plaintiff shall file
7 the amended complaint within thirty (30) days from the date of entry of this order. Plaintiff
8 should also include a more specific claim for relief (e.g. monetary damages, injunctive, or
9 declaratory relief). If Plaintiff chooses not to file an amended complaint curing the stated
10 deficiencies, this action shall be dismissed without prejudice.

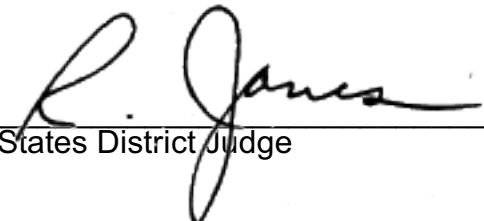
11 **V. CONCLUSION**

12 For the foregoing reasons, IT IS ORDERED that if Plaintiff chooses to file an
13 amended complaint curing the deficiencies of his complaint, as outlined in the screening
14 order (ECF No. 6), Plaintiff shall file the amended complaint within thirty (30) days from the
15 date of entry of this order.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
17 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
18 original complaint (ECF No. 7). If Plaintiff chooses to file an amended complaint, he must
19 use the approved form and he shall write the words "First Amended" above the words "Civil
20 Rights Complaint" in the caption.

21 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended
22 complaint curing the stated deficiencies of the complaint, this action shall be dismissed
23 without prejudice.

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25 DATED: This 18 day of July, 2016.

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27 
28 United States District Judge